

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 USIA-06
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E.O. 11652: N/A
TAGS: PEPR, PINT, CA
SUBJECT: COSSITT AFFAIR PRESENTS GOVERNMENT WITH DILEMMA

REF: A. OTTAWA 1176 B. OTTAWA 1138

1. THE COSSITT AFFAIR (REF B), INVOLVING MP TOM COSSITT'S ALLEGED POSSESSION OF TOP SECRET NATIONAL SECURITY DOCUMENTS, PRESENTS TRUDEAU GOVERNMENT WITH A DICEY SITUATION. AND THIS GOVERNMENT, STAGGERING UNDER SUCCESSION OF BAD ECONOMIC FIGURES, DOES NOT NEED DICEY SITUATIONS IN THIS PRE-ELECTION PERIOD.

2. BY INEPT GOVERNMENT DEMAND LIMITED TO ONE, SPECIFIC DOCUMENT AND COSSITT'S DENIAL THAT HE HAD THAT DOCUMENT, GOVERNMENT MADE ITSELF LOOK STUPID. SINCE THEN, COSSITT HAS ADOPTED GLEEFUL "COME GET ME ATTITUDE", AND GOVERNMENT HAS APPARENTLY BEEN UNABLE TO DECIDE WHETHER TO PROSECUTE HIM UNDER OFFICIAL SECRETS ACT.

3. GOVERNMENT'S DILEMMA ARISES FROM COUNTERVAILING CONSIDERATIONS, MANY OF THEM POLITICAL. ON ONE HAND, IT IS REPORTEDLY UNDER HEAVY PRESSURE FROM RCMP TO
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PROSECUTE. MOUNTIES, WHO HAVE BEEN SUBJECT TO MONTHS OF HIGH-PROFILE CRITICISM FOR IRREGULARITIES, QUESTION GOVERNMENT'S DEGREE OF SUPPORT FOR RCMP AND PRESUMABLY CONSIDER THIS A BOTTOM LINE ITEM. MOREOVER, FAILURE TO PROSECUTE COULD ENCOURAGE FURTHER LEAKS OF SENSITIVE MATERIAL. ON OTHER HAND, THERE IS MURKY QUESTION OF MP'S PRIVILEGE AND ROLE AS ADVOCATE OF DISSIDENT CIVIL

SERVANTS WHO BLOW WHISTLE ON EMPLOYERS. WHILE THERE IS NOT MUCH SUPPORT FOR COSSITT ON THESE GROUNDS, PROSECUTION AND EVIDENCE COULD REVEAL SOURCE AND THIS IS AN EXPLOSIVE ISSUE. FURTHER, TORONTO SUN'S REVELATIONS OF COSSITT'S INFORMATION AND MORE (REF A), BASED ON SAME TOP SECRET MATERIAL, INTRODUCED ELEMENT OF FREEDOM OF PRESS AND PROTECTION OF MEDIA SOURCES. IF GOVERNMENT GOES AFTER COSSITT, CAN IT IGNORE TORONTO SUN, WHICH REPORTEDLY GOT INFORMATION FROM A SOURCE OTHER THAN COSSITT?

4. IT IS NOW GENERALLY ASSUMED HERE THAT, IF GOVERNMENT MOVES AGAINST COSSITT, IT MAY NO LONGER USE RELATIVELY MILD OFFICIAL SECRETS ACT PROVISION RE FAILURE TO RETURN MATERIAL AND WILL LIKELY GO WITH FAR STRONGER SECTIONS DEALING WITH REVEALING SENSITIVE MATERIAL. EVIDENCE PROBLEMS WITH LATTER ARE CONSIDERABLE AND PENALTIES UNDER OFFICIAL SECRETS ACT ARE STIFF INVOLVING POSSIBLE LONG JAIL TERM. FURTHER COMPLICATING FACTOR IS COSSITT'S HEALTH. HE HAS HAD THREE HEART ATTACKS AND PROSECUTION COULD HAVE FATAL CONSEQUENCES. TORY OFFICIAL RECENTLY TOLD EMBOFF HE SERIOUSLY CONCERNED ABOUT THIS PROSPECT. ANOTHER COSSITT HEART ATTACK COULD HAVE STRONGLY ADVERSE POLITICAL CONSEQUENCES FOR GOVERNMENT.

5. COMMENT: GOVERNMENT APPEARS STUCK WITH NO-WIN LIMITED OFFICIAL USE

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SITUATION. AT PRESENT, IT LOOKS INEPT. IT COULD LOOK WORSE NO MATTER WHAT IT DOES. ENDERS

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Message Attributes

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Draft Date: 16 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
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Disposition Case Number: n/a
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